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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/622,001	07/17/2003	Uziel Landau	AMAT/2601.R02/CPI/COPPER/	2266
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PATTERSON & SHERIDAN, LLP 3040 POST OAK BOULEVARD, SUITE 1500 HOUSTON, TX 77056			EXAMINER BELL, BRUCE F	
			ART UNIT 1746	PAPER NUMBER
			MAIL DATE 05/29/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/622,001

Applicant(s)

LANDAU, UZIEL

Examiner

Bruce F. Bell

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29, 31, 38-47 and 49-51 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-29, 31, 38-47 and 49-51 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 1/22/07; 1/30/07.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- ☐ Notice of Informal Patent Application
- ☐ Other: ____.

DETAILED ACTION

Oath/Declaration

The reissue oath/declaration filed with this application is defective because it fails to identify at least one error which is relied upon to support the reissue application. See 37 CFR 1.175(a)(1) and MPEP § 1414.

The reissue oath/declaration filed with this application is defective because none of the errors which are relied upon to support the reissue application are errors upon which a reissue can be based. See 37 CFR 1.175(a)(1) and MPEP § 1414.

The reissue oath/declaration filed with this application is defective (see 37 CFR 1.175 and MPEP § 1414) because of the following:

The reissue oath or declaration filed with this application is defective because it fails to describe the actual errors in the patent, i.e., it fails to particularly specify the “defects” in the specification or drawings, 37 CFR 1.175(a)(2).

The actual errors that led to the filing of this reissue have not been set forth in the oath and/or declaration.

Applicants are invited to read MPEP § 1414 section II, wherein the MPEP discloses that a statement of at least one error which is relied upon to support the reissue application as the basis for the reissue is discussed. Section (B) of this MPEP citing sets forth that “ All that is needed for the oath/declaration as to error, is the identification of at least one error relied upon. In identifying the error, it is sufficient that the reissue oath/declaration identify a ***single word, phrase, or expression*** in the

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specification or in an original claim, and how it renders the original patent wholly or partly inoperable or invalid.

Applicants oath/declaration as presented has not presented such error in a sufficient manner as shown by way of the above section of MPEP § 1414.

Therefore the rejection of the claims as previously set forth in the office action STANDS as shown below.

Claims 1-29, 31, 38-47, 49-51 are rejected as being based upon a defective reissue oath/declaration under 35 U.S.C. 251 as set forth above. See MPEP § 1414 and 37 CFR 1.175.

The nature of the defect(s) in the oath/declaration is set forth in the discussion above in this Office action.

Allowable Subject Matter

Claims 1-29, 31, 38-47, 49-51 are allowable over the prior art of record.

The following is a statement of reasons for the indication of allowable subject matter: The prior art of record fails to teach and/or suggest a flow adjustment member being made of a ceramic or the backside substrate engaging member being configured to urge the substrate plating surface against the cathode contact member or the apparatus having at least one auxiliary electrode in fluid communication with the plating solution.

Response to Arguments

1. Applicant's arguments filed January 19, 2007 have been fully considered but they are not persuasive. Applicant argues that since one of the many cites of 37 CFR 1.175

and MPEP § 1414, stated in the Office action was incorrectly cited, that they are precluded from having to properly execute the oath/declaration. The examiner has now shown applicants where it is set forth in MPEP § 1414 that they **MUST** identify **“at least one error”** using a **“single word, phrase, or expression in the specification , or in an original claim, and how it renders the original patent wholly or partly inoperative or invalid”** to properly execute the oath/declaration in this reissue application.

2. The rejection of claims 53-61, 67-77 and 89 under 35 U.S.C. 112 first paragraph has been dropped in view of applicants cancellation of these claims.
3. The rejection of claims 36, 37, 53-61, 67-77 and 89 under 35 U.S.C. 112 second paragraph has been dropped in view of applicants cancellation of these claims.
4. The rejection of claims 30, 32-35, 48, 52, 78-88 under 35 U.S.C. 102(e) as being anticipated by Ritzdorf et al (US 2002/0022363) has been dropped in view of applicants amendments to the claims incorporating allowable subject matter and to the cancellation of claims 52 and 78-88.

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bruce F. Bell whose telephone number is 571-272-1296. The examiner can normally be reached on Monday-Friday 6:30 AM - 3:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Barr can be reached on 571 272-1414. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

BFB
February 7, 2007


Bruce F. Bell
Primary Examiner
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